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C O N F I D E N T I A L SECTION 01 OF 03 KINSHASA 001373

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SUBJECT: SENIOR ADVISOR SHORTLEY'S MEETINGS IN NORTH KIVU
DECEMBER 14-16, 2007

Classified By: DCM Samuel Brock. Reasons 1.4 (b/d).

Subject: Senior Advisor Shortley's meetings in North Kivu
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1. (C) Summary: Senior Adviser to Assistant Secretary Frazer for Conflict Resolution, Tim Shortley, met Laurent Nkunda at his headquarters near Kiroilirwe late December 14. Shortley found Nkunda amenable to compromise, apparently worried that his sweeping military victory had within it the seeds of political defeat. Nkunda's objective was to have himself and his forces accepted and integrated into the military and have a principal onward role in combating the FDLR. He refused exile, claiming it was against the constitution (Article 30). He accepted immediate pullback of his forces from a few recently-seized territories, including the strategic heights over Sake. He also agreed to pull-out from other areas, including from Mushaki once a disengagement plan for Nkunda and other armed militia groups is made under the auspices of a technical commission facilitated by the U.S. As agreed with President Kabila in advance of Shortley's meeting with Nkunda, the technical commission will be facilitated by the U.S. and made up of GDRC/FARDC, Nkunda/CNDP, U.S., and MONUC. He agreed that MONUC would produce a plan for disengagement of all forces in the area and that MONUC would have a significantly increased presence within and around areas presently under his control, protecting the population from FDLR and Mai-Mai incursions while he prepared to send his men to brassage. President Kabila's Chief of Staff Raymond Tshibanda, in a subsequent telephone conversation with Shortley, demanded more territory up front, a declared deadline for disengagement and brassage, and assurances that the technical commission would have only an implementation role. MONUC's Eastern Division Commander General Bikram Singh was enthusiastic about the plan and said he had just spent two hours hammering FARDC Chief of Staff General Dieudonne Kayembe, who he said was now urging President Kabila to abandon further use of force for at least six months. UN Assistant Secretary General Haile Menkerios told Shortley that FARDC's defeat was a blessing in disguise, aiding fulfillment of the Nairobi communique. Menkerios said that Kabila should never have focused on Nkunda but rather on a vision of freeing up territory for the return of displaced populations without regard to any particular negative force. Foreign Minister Mbusa Nyamwisi waxed especially enthusiastic, except that he wanted Nkunda to forego up-front the vital border crossing at Bunagana, to which Shortley explained that, under the unfolding agreement, MONUC would protect the main roads so that Bunagana would be freed up. End Summary.

12. (C) A/S Frazer's Senior Adviser for Conflict Resolution Tim Shortley arrived in Goma midday December 14 hoping to travel immediately by helicopter to Nkunda's headquarters near Kiroliro. However, due to heavy rain, Shortley was forced to make the several-hour trek, with MONUC escort, overland instead. He met Nkunda for four hours late into the night, using a draft of an agreement already worked out with President Kabila and SRS as a basis for discussion. Kabila's demand that Nkunda go into exile was, Nkunda said, a deal-breaker, so he agreed with Shortley to defer that issue for later discussion. He said he would announce immediately his unilateral hand-back of a few areas that his forces had taken in the recent fighting, to include the strategic heights overlooking and dominating Sake. He agreed to participate in a technical commission, composed of GDRC/FARDC, Nkunda/CNDP, the U.S., and MONUC, that would elaborate disengagement of all forces in the area and increased presence of MONUC, both within and around Nkunda's territory (and including Nkunda's two strongholds in Masisi and Rutshuru Territories), to fill in security voids and assure protection of returning populations. Nkunda said that he would announce within days that he would relinquish further areas through discussion at the technical commission, specifically, Mushaki, Ngungu, Kingi, Kimoka, and Karuba. His priority was combating FDLR, and he embraced brassage as a means for him to be able to deal with the FDLR.

13. (C) Upon return to Goma December 15, Shortley spoke at length by telephone with Kabila's Chief of Staff Raymond Tshibanda, and in person with MONUC's Eastern Division

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military command, with UN Assistant Secretary General Haile Menkerios, and with Foreign Minister Mbusa Nyamwisi. Tshibanda said he wanted three more things from Nkunda: a

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KINSHASA 00001373 002 OF 003

timeline (end-February) in which disengagement and brassage will have occurred; more territory relinquished up front (Mushaki in particular); and assurance that the technical commission would be only an implementing and not a negotiating mechanism. (In a later telephone conversation, Nkunda agreed that he would announce he would invite an immediate MONUC presence in Mushaki, but not the handover of Mushaki to FARDC until a disengagement plan was agreed. (Note: MONUC already has a military operating base in Mushaki, which moved out briefly when FARDC attacked but moved quickly back in and remained in place when Nkunda retook Mushaki. End Note.)

14. (C) MONUC Eastern Division Commander General Bikram Singh was enthusiastic about the understandings which Shortley had obtained with Nkunda. He lamented that Kabila had tried to follow a military solution, when it can only be solved politically, and he wholeheartedly agreed that the UN system in Congo had not allotted enough political (vice military) energy to addressing the conflict in Eastern Congo. Singh said that he had just spent two heated hours with FARDC Chief of Staff General Dieudonne Kayembe, who had agreed that any further use of force by FARDC was a nonstarter for at least six months. Kayembe told him that Kabila now buys into the idea that the military option is dead for the immediate period. Singh urged that Nkunda, in withdrawing from territories, do it in such a way as not to further humiliate the FARDC, that for example he announce his need to retrench because of being overextended, or words to that effect. Singh liked the idea of Nkunda's voluntarily withdrawing from the town of Katsiru (east of Mweso) in order to allow FARDC to claim a little victory there.

15. (C) Shortley requested Singh to have MONUC produce before the first technical commission meeting (perhaps as early as December 20 at Sake) a detailed disengagement plan for all forces in the area. Singh introduced the term &buffer

zone8 (seconded by his Chief of Staff Colonel Clive Neal) as one of the concepts that MONUC would follow in this new era of increased and widened MONUC presence. Mushaki, for example, would be the focus of a MONUC-controlled buffer zone, ensuring free flow of traffic on the Masisi road, return of displaced persons, and holding off FDLR and Mai-Mai from penetration. Singh was pleased that Shortley had now created conditions in which MONUC's actions would not appear aimed at any one party but rather focused on coping with all the negative forces and return of all displaced populations. North Kivu Brigade Commander General Indrajeet Narayan said it would be reasonable to look forward to a point when Nkunda's forces could be employed to combat FDLR. Singh recommended that the first meeting of the technical commission be used to allow each side to vent its aspirations, during which the U.S. and MONUC could be in listening mode. Shortley agreed.

16. (C) Menkerios, in a meeting with Shortley later in the day, told Shortley that FARDC's military defeat was a blessing in disguise, as it would force Kabila to do the hard thinking that he had not been willing to do so long as he thought he had a military option. It would help promote the objectives of the Nairobi communique, by refocusing Kabila on all negative forces. Menkerios regretted that Kabila had demonized Nkunda so much; it would have been far better to have set his vision not specifically on Nkunda but on freeing the Kivus of all negative forces so as to permit the return of all populations. He agreed that DRC could be assured that the technical commission would be only for implementation,⁸ but in fact everyone would know that the technical commission was, in fact, a forum for negotiation. Menkerios agreed with Shortley that Foreign Minister Mbusa would be a good man to address the press and put the most positive face on the new understandings with Nkunda, but he thought that Mbusa's standing in Kinshasa had become tenuous in the wake of Nairobi. Menkerios worried that if Kabila now pursued a vengeful cleansing of his military leadership, his army would be even less willing to fight in the future. The problem of potential occupation by FDLR and Mai-Mai of territories vacated by Nkunda was a huge problem, as was already occurring in Lubero Territory. Menkerios agreed that MONUC's political presence in Goma needed to be hugely ratcheted up; he advised stationing SRSB Swing's deputy in Goma.

17. (C) In a late-evening meeting with Shortley and EU

KINSHASA 00001373 003 OF 003

Special Envoy Roeland van de Geer and Foreign Minister Antipas Mbusa, Mbusa waxed enthusiastic about the commitments Shortley had obtained from Nkunda. His only wish was that Shortley persuade Nkunda to add Bunagana (a key border crossing into Uganda, close to Rwanda, revenues from which now go to Nkunda) to the list of areas soon to be discussed for handover. Shortley explained that the plan would place much-increased MONUC forces within and around Nkunda's two enclaves, including eastern Rutshuru territory, with a particular emphasis on ensuring resumed security and flow of traffic on main routes including the Rutshuru-Bunagana road. Shortley said that Nkunda would be sending four of his people to the first meeting of the technical commission in Sake, and he urged Mbusa to find open-minded Congolese officials to send to the meeting. Mbusa suggested Kabila adviser Ambassador Seraphin Ngwey (already present in Goma for the next day's meeting of the Joint Monitoring Group) as one such candidate. Shortley urged Mbusa to be the person who would address the press on the agreement with Nkunda; it was important that DRC show ownership of and positiveness toward rapprochement with Nkunda. In a separate side conversation, van de Geer emphasized the importance of addressing FDLR simultaneously with Nkunda, understood the difficulties that the U.S. would have in establishing a dialogue with FDLR, and said that he would push for an EU lead on promoting such a dialogue with the FDLR.

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